

(REGULATORY LANGUAGE)

Option (1) Trawl Permit Moratorium:

Subsection (a) of Section 120.3 Title 14, CCR is amended to read:

(a) Qualifications of Permittee. The applicant must be a licensed commercial fisherman and operator of a currently registered commercial fishing vessel, and must have been issued a non-restrictive golden, spot, and ridgeback trawl permit prior to September 1, 2002.

Option (2a & 2b) Federal or Contract Observer Program:

Subsection (c) of Section 120.3, Title 14, CCR, is amended to read:

(c) Observer fee program. All vessels landing spot prawns taken by trawl must cooperate with federal or department fishery observers, or observers collecting data for the department, when asked to carry and accommodate an observer on fishing trips at no charge to the sponsoring agency. ~~from July 14, 2000, to March 31, 2001, must show proof of payment of an observer fee which shall range from \$250 to \$1,000. The actual fee shall be based on the total amount of spot prawns landed during the period January 1 to December 31, 1998, or January 1 to December 31, 1999, whichever is higher, as follows: (1) \$250 for each trawl vessel landing less than 1,000 pounds in each year for 1998 and 1999; (2) \$500 for each trawl vessel landing from 1,000 to 9,999 pounds in 1998 or 1999; (3) \$1,000 for each trawl vessel landing 10,000 pounds or more in 1998 or 1999. All funds from this fee will be used to place department observers onboard spot prawn trap and trawl vessels to obtain information on bycatch.~~

(1) If observer coverage of a trip is denied by the operator or owner of a vessel, an explanation in writing from the operator or owner of the vessel must be submitted to the Manager of the Marine Region, 20 Lower Ragsdale Drive, Suite 100, Monterey, California 93940, within 15 days. If the Manager deems that the denial is uncooperative in nature, the operator or owner may have the opportunity to meet with the Manager of the Marine Region and provide further explanation.

(2) If the Manager of the Marine Region deems there is no substantive reason for the denial and that it is uncooperative in nature the department may request revocation of fishing permits or licenses.

Option (3) Trawl prohibition:

Subsection (h) of Section 120 of Title 14, CCR, is amended to read:

(h) Incidentally Caught Fish. Not more than 1,500 pounds, multiplied by the number of days of the fishing trip, of fish other than Pacific whiting, shortbelly rockfish, or arrowtooth flounder caught incidentally with shrimp or prawns may be possessed on any boat operating under a permit as provided in these regulations, except salmon may be taken and possessed subject to sections 8210 to 8226, and 8230 to 8237, inclusive, of the Fish and Game Code. Spot prawn shall not be possessed or landed as incidental catch in the pink shrimp fishery.

Section 120.3 of Title 14, CCR, is amended to read:

Prawns may only be taken by trawl nets for commercial purposes pursuant to sections 120 and 120.3 of these regulations, or by traps, pursuant to sections 180, 180.2, 180.5 and this section. Spot prawns may not be taken or possessed using trawl nets.

Permits to use or possess trawl nets for the taking of golden prawns, ~~spot prawns~~ and ridgeback prawns in ocean waters may be granted only under the following conditions:

(a) Qualifications of Permittee. The applicant must be a licensed commercial fisherman and operator of a currently registered commercial fishing vessel.

(b) Cost of Permit. See subsection 699(b) of these regulations for the fee for this permit. (NOTE: this fee shall be charged effective April 1, 1992.)

(c) Observer fee. All vessels landing spot prawns taken by trawl from July 14, 2000, to March 31, 2001, must show proof of payment of an observer fee which shall range from \$250 to \$1,000. The actual fee shall be based on the total amount of spot prawns landed during the period January 1 to December 31, 1998, or January 1 to December 31, 1999, whichever is higher, as follows: (1) \$250 for each trawl vessel landing less than 1,000 pounds in each year for 1998 and 1999; (2) \$500 for each trawl vessel landing from 1,000 to 9,999 pounds in 1998 or 1999; (3) \$1,000 for each trawl vessel landing 10,000 pounds or more in 1998 or 1999. All funds from this fee will be used to place department observers onboard spot prawn trap and trawl vessels to obtain information on bycatch.

(d) Permit Area. Trawling for golden, ~~spot~~ and ridgeback prawns shall be permitted in waters not less than 25 fathoms in depth and lying not nearer than three nautical miles distance from the nearest point of land on the mainland shore, and from all offshore islands. Trawling shall not be conducted within District 19A which shall include a line from Malibu Point (34°01.8'N., 118°40.8'W) to Rocky Point (Palos Verdes Point) (33°46.5'N., 118°25.7'W.).

(1) Trawling Zones.

(A) Trawling Zone 1: Includes waters between the California-Oregon border and a line extending due west from False Cape (Lat. 40°31').

(B) Trawling Zone 2: Includes those waters between a line extending due west from False Cape and a line extending due west from Lopez Point (Lat. 36°).

(C) Trawling Zone 3: Includes those waters between a line extending due west from Lopez Point and a line extending due west from Point Arguello (Lat. 34°35').

(D) Trawling Zone 4: Includes those waters between a line extending due west from Point Arguello and a line extending due west from Point Dume (Lat. 34°0').

(E) Trawling Zone 5: Includes those waters lying between a line extending due west from Point Dume and the California-Mexico boundary, excluding Fish and Game Districts 19A, 19B, 20, 20A and 21.

(e) Restricted Catch Period:

~~—(1) Trawling for spot prawns in all zones shall be subject to the incidental catch restrictions pursuant to subsection (h) from November 1 through January 31.~~

~~(2) Trawling for ridgeback prawns in all zones shall be subject to the incidental catch restrictions pursuant to subsection (h) from June 1 through September 30.~~

(f) Gear Specifications.

(1) Trawl nets with single-walled bag or cod-end: The mesh of any webbing shall not be less than 1 ½ inches in length.

(2) Trawl nets with double-walled bag or cod-end: The mesh of any webbing or liner shall not be less than 3 inches in length. The lines and cod-end shall be tied together along the rib lines.

(3) Mesh measurement. Minimum trawl mesh size requirements are met if a standard stainless steel wedge of appropriate gauge can be passed with thumb pressure only through 16 of 20 sets of two meshes each of wet mesh in the cod-end.

~~—(4) Fish excluders. All trawl nets used to fish spot prawns must be equipped with a functional finfish excluder with a minimum surface area of thirty-six square inches unless a double-walled cod-end with a minimum mesh size of three inches is used.~~

(g) Limitation of Gear.

(1) No net, the meshes of which are less than prescribed in these regulations, may be possessed on any vessel which is operating under the provisions of a golden prawn; ~~spot prawn~~ or ridgeback prawn permit.

(2) All fishing gear used under the provisions of these regulations is subject to inspection and approval by the department at any time.

(3) On request, any authorized representative of the department shall be permitted to travel on the permittee's boat to observe golden prawn; ~~spot prawn~~ or ridgeback prawn trawling operations.

(h) Incidental Catch Restrictions.

(1) Not more than 1,000 pounds of any fish caught incidentally with pink shrimp, golden or ridgeback prawns may be possessed on any boat operating under a permit as provided in these regulations. Fisherman should refer to subsection 189(a), Title 14, CCR, for bycatch limits of federally-managed groundfish species. Any amount of sea cucumbers taken incidentally may be possessed if the owner or operator of the vessel possesses a permit to take sea cucumbers pursuant to Section 8396 of the Fish and Game Code.

(2) During the restricted catch period for ridgeback prawns, loads of fish shall not contain more than 50 pounds without restriction or 15 percent, by weight, of ridgeback prawns. For the purpose of this regulation, species of fish other than spot prawns shall not be included in the determination of the percentage of ridgeback prawns taken or possessed in any load of fish containing mixed species.

~~(3) During the restricted catch period for spot prawns,~~ Trawl loads of fish shall not contain more than 50 pounds without restriction or 15 percent, by weight, of spot prawns. For the purpose of this regulation, species of fish other than ridgeback prawns shall not be included in the determination of the percentage of spot prawns taken or possessed in any load of fish containing mixed species.

Option (4) Trawl prohibition with trap conversion:

Section 120.3 of Title 14, CCR, is amended to read:

Prawns may only be taken by trawl nets for commercial purposes pursuant to

sections 120 and 120.3 of these regulations, or by traps, pursuant to sections 180, 180.2, 180.5 and this section. Spot prawns may not be taken or possessed using trawl nets. Pursuant to Section 120.45 trawl permits may be converted to Tier 3 spot prawn trap permits on or before July 31, 2003.

Permits to use or possess trawl nets for the taking of golden prawns, ~~spot prawns~~ and ridgeback prawns in ocean waters may be granted only under the following conditions:

(a) Qualifications of Permittee. The applicant must be a licensed commercial fisherman and operator of a currently registered commercial fishing vessel.

(b) Cost of Permit. See subsection 699(b) of these regulations for the fee for this permit. (NOTE: this fee shall be charged effective April 1, 1992.)

~~—(c) Observer fee. All vessels landing spot prawns taken by trawl from July 14, 2000, to March 31, 2001, must show proof of payment of an observer fee which shall range from \$250 to \$1,000. The actual fee shall be based on the total amount of spot prawns landed during the period January 1 to December 31, 1998, or January 1 to December 31, 1999, whichever is higher, as follows: (1) \$250 for each trawl vessel landing less than 1,000 pounds in each year for 1998 and 1999; (2) \$500 for each trawl vessel landing from 1,000 to 9,999 pounds in 1998 or 1999; (3) \$1,000 for each trawl vessel landing 10,000 pounds or more in 1998 or 1999. All funds from this fee will be used to place department observers onboard spot prawn trap and trawl vessels to obtain information on bycatch.~~

(~~ed~~) Permit Area. Trawling for golden, ~~spot~~ and ridgeback prawns shall be permitted in waters not less than 25 fathoms in depth and lying not nearer than three nautical miles distance from the nearest point of land on the mainland shore, and from all offshore islands. Trawling shall not be conducted within District 19A which shall include a line from Malibu Point (34°01.8'N., 118°40.8'W) to Rocky Point (Palos Verdes Point) (33°46.5'N., 118°25.7'W.).

(1) Trawling Zones.

(A) Trawling Zone 1: Includes waters between the California-Oregon border and a line extending due west from False Cape (Lat. 40°31').

(B) Trawling Zone 2: Includes those waters between a line extending due west from False Cape and a line extending due west from Lopez Point (Lat. 36°).

(C) Trawling Zone 3: Includes those waters between a line extending due west from Lopez Point and a line extending due west from Point Arguello (Lat. 34°35').

(D) Trawling Zone 4: Includes those waters between a line extending due west from Point Arguello and a line extending due west from Point Dume (Lat. 34°0').

(E) Trawling Zone 5: Includes those waters lying between a line extending due west from Point Dume and the California-Mexico boundary, excluding Fish and Game Districts 19A, 19B, 20, 20A and 21.

(~~ed~~) Restricted Catch Period:

~~—(1) Trawling for spot prawns in all zones shall be subject to the incidental catch restrictions pursuant to subsection (h) from November 1 through January 31.~~

(2) Trawling for ridgeback prawns in all zones shall be subject to the incidental catch restrictions pursuant to subsection (h) from June 1 through September 30.

(~~fe~~) Gear Specifications.

(1) Trawl nets with single-walled bag or cod-end: The mesh of any webbing shall not be less than 1 ½ inches in length.

(2) Trawl nets with double-walled bag or cod-end: The mesh of any webbing or liner shall not be less than 3 inches in length. The lines and cod-end shall be tied together along the rib lines.

(3) Mesh measurement. Minimum trawl mesh size requirements are met if a standard stainless steel wedge of appropriate gauge can be passed with thumb pressure only through 16 of 20 sets of two meshes each of wet mesh in the cod-end.

~~—(4) Fish excluders. All trawl nets used to fish spot prawns must be equipped with a functional finfish excluder with a minimum surface area of thirty-six square inches unless a double-walled cod-end with a minimum mesh size of three inches is used.~~

~~(gf)~~ Limitation of Gear.

(1) No net, the meshes of which are less than prescribed in these regulations, may be possessed on any vessel which is operating under the provisions of a golden prawn; ~~spot prawn~~ or ridgeback prawn permit.

(2) All fishing gear used under the provisions of these regulations is subject to inspection and approval by the department at any time.

(3) On request, any authorized representative of the department shall be permitted to travel on the permittee's boat to observe golden prawn; ~~spot prawn~~ or ridgeback prawn trawling operations.

~~(hg)~~ Incidental Catch Restrictions.

(1) Not more than 1,000 pounds of any fish caught incidentally with pink shrimp, golden or ridgeback prawns may be possessed on any boat operating under a permit as provided in these regulations. Fisherman should refer to subsection 189(a), Title 14, CCR, for bycatch limits of federally-managed groundfish species. Any amount of sea cucumbers taken incidentally may be possessed if the owner or operator of the vessel possesses a permit to take sea cucumbers pursuant to Section 8396 of the Fish and Game Code.

(2) During the restricted catch period for ridgeback prawns, loads of fish shall not contain more than 50 pounds without restriction or 15 percent, by weight, of ridgeback prawns. For the purpose of this regulation, species of fish other than spot prawns shall not be included in the determination of the percentage of ridgeback prawns taken or possessed in any load of fish containing mixed species.

(3) ~~During the restricted catch period for spot prawns,~~ Trawl loads of fish shall not contain more than 50 pounds without restriction or 15 percent, by weight, of spot prawns. For the purpose of this regulation, species of fish other than ridgeback prawns shall not be included in the determination of the percentage of spot prawns taken or possessed in any load of fish containing mixed species.

Section 120.45 is added:

120.45 Converted Spot Prawn Trap Permits.

(a) As of February 1, 2003, spot prawn may not be taken using trawl gear. Spot prawn trawl permittees who meet the qualifications in this section may purchase a Tier 3 spot prawn trap vessel permit.

(b) Qualifications of Permittee. A person may be eligible for a spot prawn trap vessel permit if the owner of a vessel has a 2002-2003 permit year golden, spot, and ridgeback prawn trawl permit that has not been suspended or revoked, and meets the following criteria.

(1) a person who is the owner of a commercial fishing vessel that has been registered with the department pursuant to Section 7881 of the Fish and Game Code in each of the 1997-1998, 1998-1999, and 1999-2000 permit years, and has made landings of spot prawns utilizing trawl nets on or before January 1, 1999, as documented by landing receipts in the vessel's name that were delivered to the department pursuant to Section 8046 of the Fish and Game Code, and who has satisfied at least one of the following landing requirements:

(A) a minimum of [10 to 30] landings of spot prawns, utilizing trawl nets, in each of the calendar years 1997, 1998, and 1999; or

(B) at least [2,000 to 7,000] pounds of spot prawns landed, utilizing trawl nets, in each of the calendar years 1997, 1998, and 1999; or

(C) at least [10,000 to 15,000] pounds of spot prawns landed, utilizing trawl nets, in each of the calendar years 1998 and 1999.

(2) Any individual, who has been licensed as a California commercial fisherman for at least 20 years, and who has participated in the commercial spot prawn trawl fishery for at least one of those years, and who has made at least 20 landings of spot prawns, using trawl nets, totaling at least 10,000 pounds in one of those years, shall be eligible for a Tier 3 permit.

(c) Spot prawn trap vessel permits issued pursuant to subsection (b)(1) or (b)(2) shall be considered as Tier 3 permits and shall be nontransferable.

(d) Application Deadline for Initial Issuance of Spot Prawn Trap Vessel Tier 3 Permit. All applications and permit fees for initial issuance of spot prawn trap vessel Tier 3 permits must be received by the department or, if mailed, must be postmarked no later than June 30, 2003. Applications for initial issuance of a spot prawn trawl vessel permit received from July 1 through July 31, 2003 shall be considered late and will be assessed a late fee. Applications and monies due for the initial issuance of spot prawn trap vessel permits not received or, if mailed, not postmarked, by July 31, 2003 shall be returned to the applicant unissued.

(e) Minimum Landing Requirements for Spot Prawn Trap Vessel Tier 3 Permit Renewal. No minimum landings of prawns shall be required to be eligible for renewal of this permit.

(f) Annual Spot Prawn Trap Vessel Tier 3 Permit Renewal. Applications for renewal of a spot prawn trap vessel Tier 3 permit shall be received by the department,

or, if mailed, postmarked, by April 30 of each year. Applications for a spot prawn trap vessel Tier 3 permits received from May 1 to May 31 will be assessed a late fee. Spot prawn trap vessel Tier 3 permit renewals received after May 31, or if mailed, postmarked after May 31, shall be not be considered, and the permit shall no longer be eligible for renewal.

(g) Presence of Owner on Vessel. An owner of the vessel to which the spot prawn trap vessel Tier 3 permit has been issued must be on the vessel when spot prawns are being taken or landed, except that one additional operator may be designated during a license year by informing the department in writing with a letter sent to Department of Fish and Game, Marine Region, 20 Lower Ragsdale Drive, Suite 100, Monterey, California 93940.

(h) Appeal for Reinstatement of an Expired Spot Prawn Trap Vessel Tier 3 Permit. The department may re-issue a spot prawn trap vessel Tier 3 permit that has not been applied for by the application deadline if the department finds that the failure to renew the permit prior to the expiration date was due to death of an immediate family member; physical illness, or other documented hardship. The appeal for reinstatement of an expired spot prawn trap vessel Tier 3 permit shall be received by the department or, if mailed, postmarked on or before March 31 following the permit year in which the applicant last held a valid spot prawn trap vessel Tier 3 permit. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's decision.

(i) Revocation of Permit. A spot prawn trap vessel Tier 3 permit shall be revoked if the permittee fails to:

(1) renew the permit or annually renew his or her commercial fishing license issued pursuant to Section 7852 of the Fish and Game Code; or

(2) submits false information for the purposes of obtaining a spot prawn trap vessel Tier 3 permit.

(j) Transfer of a Spot Prawn Trap Vessel Tier 3 Permit to A Replacement Vessel. A transfer of a spot prawn trap vessel Tier 3 permit may be approved for use on a replacement vessel only if all of the following criteria are met:

(1) The vessel owner submits a written request for transfer to the department and pays a non-refundable transfer fee.

(2) Under penalty of perjury the vessel owner signs the application for transfer and certifies that the included information is true to the best of his or her knowledge.

(3) The spot prawn trap vessel Tier 3 permit has not been previously transferred in the previous 12 months unless the vessel was lost, stolen, or destroyed within the previous 12 months.

(4) The spot prawn trap vessel Tier 3 permit for the permitted vessel is current, and the permittee is the owner of the replacement vessel.

(5) The replacement vessel may be up to but not more than five feet greater in overall length than the original vessel. Vessel overall length is measured between the perpendiculars at the foremost portion of the hull at the stem, excluding any extensions commonly known as bowsprits, and the aftermost portion of the hull at the sternpost, excluding any extensions thereof.

(k) Appeals.

(1) Any applicant who is denied initial issuance of a spot prawn trap vessel Tier 3 permit for any reason may appeal that denial to the commission in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked no later than March 31, 2004. The appeal shall be conducted pursuant to Section 746, Title 14, CCR.

(2) Any applicant who is denied renewal of a spot prawn trap vessel Tier 3 permit may appeal the denial to the commission in writing describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked no later than March 31 following the permit year in which the applicant last held a valid spot prawn trap vessel Tier 3 permit. The appeal shall be conducted pursuant to Section 746, Title 14, CCR.

(l) Fees.

(1) The department shall charge an annual fee for each spot prawn trap vessel Tier 3 permit of two hundred fifty dollars (\$250.00).

(2) The department shall charge a non-refundable fee of two hundred dollars (\$200.00) for each vessel transfer.

(3) The department shall charge a non-refundable late fee of fifty dollars (\$50.00) if an application for initial issuance of a spot prawn trap vessel Tier 3 permit is received from July 1 to July 31, 2003.

(4) The department shall charge a non-refundable late fee of fifty dollars (\$50.00) if an application for renewal of a spot prawn trap vessel Tier 3 permit is received from May 1 to May 31.

NOTE: Authority cited: Sections 8591 and 8842, Fish and Game Code.

Reference Sections: 8590, 8591, 8593, 8595 and 8842, Fish and Game Code.

Option (5) Depth Restriction.

Subsection (d) of Section 120.3 Title 14, CCR, is amended to read:

(d) Permit Area. Trawling for golden, ~~spot~~ and ridgeback prawns shall be permitted in waters not less than 25 fathoms in depth and lying not nearer than three nautical miles distance from the nearest point of land on the mainland shore, and from all offshore islands. Trawling for spot prawns shall only be permitted in waters not less than 150 fathoms in depth south of Point Reyes and 250 fathoms in depth north of Point Reyes. Trawling shall not be conducted within District 19A which shall include a line from Malibu Point (34°01.8'N., 118°40.8'W) to Rocky Point (Palos Verdes Point) (33°46.5'N., 118°25.7'W.).

Option (6a) Roller Gear Restriction:

Subsection (f)(5) of Section 120.3 Title 14, CCR, is added:

(5) Footrope restrictions. No portion of the footrope of any trawl net used to fish spot prawns may be larger than eight inches in diameter.

Option (6b) Hard Grate Excluder:

Subsection (f)(4) of Section 120.3 Title 14, CCR, is amended to read:

(4) Fish excluders. All trawl nets used to fish spot prawns must be equipped with a functional rigid grate finfish excluder with a minimum surface area of thirty-six square inches unless a double walled cod end with a minimum mesh size of three inches is used. that consists of a series of rigid or semi-rigid vertical bars that form a panel which guides finfish out of an escape hole located in the top of the net. The device may include a funnel used to concentrate catch near the bottom of the panel to facilitate sorting but is not a required component. An approved rigid grate finfish excluder must meet the following criteria:

(A) The rigid or semi-rigid panel must completely cover some portion of the net in diagonal cross-section.

(B) None of the openings between the bars may exceed 2-1/8 inches.

(C) The escape hole, when spread open, must expose a hole at least 100 square inches in surface area, which is the equivalent to removing 10-12 meshes in a straight line.

(D) The escape hole must be forward of the panel and the farthest back point must end within four meshes of the point at which the rigid or semi-rigid panel connects to the main net at its farthest back point.

Option (7) Seasonal Closure:

Subsection (e)(1) of Section 120.3 Title 14, CCR is amended to read:

Trawling for spot prawns in all zones shall be subject to the incidental catch restrictions pursuant to subsection (h) from ~~November~~ September 1 through ~~January 31~~ the last day in February.

Option (8) Vessel Monitoring System:

Subsection (f)(5) of Section 120.3 Title 14, CCR is added:

(5) All vessels trawling for spot prawns during the open season must be equipped with an operational vessel monitoring system 60 days after the federal government has initiated a monitoring program for such units.

For Section 120.3 amendments for all options:

NOTE: Authority cited: Sections 710.7, 711, ~~8591~~ and 8842, Fish and Game Code.
Reference: Sections 710.7, 711, 8140 and 8842, Fish and Game Code.